

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

JUDGMENT

SB CIVIL MISC. APPEAL NO.1409/2005
Rajasthan State Road Transport Corporation
V/s
Smt. Jeeni Bahan & Ors.

Date of order : : 17.10.2006

HON'BLE MR. JUSTICE P.S. ASOPA

Mr.Brahma Nand Sandu, for the appellant.

This appeal is directed against the award dated 8.11.2000 in MAC case No.110/1995 passed by the MACT, Neem Ka Thana, Sikar.

The facts, in brief, of the case are that on 23.2.1995, the deceased Mangha Ram was going nearby Rengus Railway crossing on Jaipur Sikar National Highway No.11, when he reached near Railway crossing, a Bus No.RJ-14-P-3264 collided with him. As a result of which, Mangha Ram sustained injuries on his head and chest. Thereafter, he died on 27.2.1995 in SMS Hospital, Jaipur.

The submission of counsel for the appellant is that the deceased was at fault and there was no fault of the Driver of the appellant Corporation. He further submits that award of Rs.2,38,000/- is more

and the same is required to be reduced on account of the fact that wrong multiplier has been taken by the Claims Tribunal.

I have gone through the award of the Claims Tribunal and further considered the submission of counsel for the appellant.

The deceased was a vegetable seller and minimum wages of Rs.60 was rightly taken by the Claims Tribunal. The Claims Tribunal has rightly determined the age of deceased as 40 years and upto 40, the multiplier prescribed in the IIInd Schedule is 16.

As regards income, there is no reliable evidence and the award has further rightly been calculated on the basis of minimum wages at the rate of Rs.60/- per day. I do not find any infirmity in the award.

The appeal fails and is dismissed.

(P.S. ASOPA) J.

ummed/-